

## REMARKS

Applicants wish to thank the Examiner for reviewing the present patent application.

Claim 1 has been amended to incorporate the subject matter of Claims 4 and 5, which have been canceled, without prejudice. Claim 1 has been further amended to incorporate the subject matter of Claim 6, without prejudice. As Claim 6 had only been rejected under 35 USC 112, which has been overcome as discussed below, Applicants respectfully submit that Claim 1, as amended, and its dependent Claims 2, 3, 5, 7-8, 13-14 are clearly in condition for allowance. Claims 7 and 13 have been amended to make their claim dependency consistent on the cancellation of Claim 6 and incorporation of the subject matter in Claim 1.

Claim 9 has been amended to specify that the pasta comprises hard wheat flour or hard wheat semolina, without prejudice. Support for this amendment may be found in the Specification and in the original Claim 4. Claim 9 has been further amended to specify heating the product. Support for this amendment may be found in the Specification at page 7, lines 34-35, and in Claim 14.

Care has been taken not to introduce any new matter.

### ***The Present Invention***

The present invention relates to pasta products (optionally filled) with novel physical shape, and method(s) for preparing the same. In particular, networks of pasta can be prepared (e.g. extrusion), which may be used for filled pasta. Such filled pasta may be particularly suitable for dry/instant applications. The inventive process allows for macropores to be formed, which can improve rehydration, heating up, and thawing of pasta particles.

### ***Specification***

The disclosure informality has been corrected to include a brief description of the drawings.

### ***Claim Rejections – 35 USC § 112***

Claims 1-8 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 2 have been amended to remove multiple or broad/narrow references to the same parameter, thereby rendering this rejection moot.

***Claim Rejections – 35 USC § 102***

Claims 1-3 and 6 were rejected under 35 U.S.C. 102(b) as being anticipated by Burwell, et al. (U.S. Pat. No. 5,126,157). According to the Office Action, with regard to claim 1, Burwell, et al., disclose edible products having a lattice structure made by extruding an edible material into discrete arrays of essentially parallel filaments (abstract). The product comprises two or more for example at least four superimposed pairs of arrays of essentially parallel filaments. The angle between superimposed arrays of parallel filaments may be as much as 90°C, but preferably less than 30°C (col. 4, lines 6-16). ; The filaments may be of cooked or cookable pasta (col. 3, line 64).; With regard to claim 2, Burwell, et al., disclose a filament thickness of 1 to 3 mm.; With regard to claim 3, it is inherent that the network has a regular repeating pattern because the filaments are parallel and comprise of alternate superimposed arrays (col. 4, lines 8-9).; With regard to claim 6, Burwell, et al., disclose that the lattice structure may contain a filling (col. 4, lines 1-5).

Applicants respectfully traverse. Nevertheless, in the interest of expediting the passing of the present application to issuance without delay, Claim 1 has been amended to incorporate the subject matter of Claim 4, without prejudice, thereby rendering this rejection moot.

Claims 9-12 were rejected under 35 U.S.C. 102(b) as being anticipated by Mercer, et al., (U.S. Pat. No. 4,563,358). According to the Office Action, with regard to claims 9-10, Mercer, et al., disclose other methods of production for a pasta product

such as a extrusion process wherein the net can be cut into lengths at the extruder die faces (col. 4, lines 10-13).; The die head is conventional in that it has two relatively rotatable or oscillating annular dies each of which has a ring of extrusion die orifices (col. 5, lines 43-45).; With regard to claims 11-12, Mercer, et al., disclose a composite product consisting of a net and a filling (col. 4, line 1). Examples are disclosed in (col. 4, lines 25-40).

Applicants respectfully traverse. As stated in the Specification at page 4, lines 6-7, the present invention does not relate to confectionery products. In contrast, Mercer et al. relate to confectionery products.

Nevertheless, in the interest of progressing the present application to issuance without delay, Claim 9 has been amended to emphasize that the pasta comprises hard wheat flour or hard wheat semolina, without prejudice. Support for this amendment may be found in the Specification and in the original Claim 4. Applicants respectfully submit that this amendment renders moot the anticipation rejection.

***Claim Rejections – 35 USC § 103***

Claims 4-5, 7-8 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burwell, et al. (U.S. Pat. No. 5,126,157) in view of Cuperus (U.S. Pat. No. 5,693,351), and Mercer, et al., (GB 1,604,586).

According to the Office Action, with regard to claim 4, Burwell, et al. failed to disclose the pasta content. However, Cuperus teaches a filled pasta product wherein the pasta is made using flour/semolina obtained by grinding grains of cereals such as hard wheat (col. 2, lines 43-47). ; It would have been obvious to one of ordinary skill in the art to utilize these ingredients in preparing pasta because these are well known ingredients in the art. Further according to the Office Action, with regard to claim 5, Burwell, et al., and Cuperus failed to disclose hard wheat flour/semolina from durum wheat. ; However, it would not have involved an inventive step to utilize durum wheat or any other type of wheat in preparing pasta because it is well known in the art that pasta is made from cereal grains, which encompasses wheat. Applicants respectfully traverse. Note, the subject matter of Claims 4, 5 and 6 has been incorporated into Claim 1, thereby rendering this rejection moot.

With regard to claims 7-8 and 13-14, according to the Office Action, it would be obvious to one of ordinary skill in the art to modify Burwell, et al., with Cuperus by providing a filled pasta using the same filling material as taught by Cuperus. Applicants respectfully traverse. The deficiencies of Burwell et al., discussed above, are not cured by Cuperus. While Cuperus refers to a very much similar problem (how to achieve

quicker rehydration of the filling in case of dehydrated filled pasta products), Cuperus takes the approach of making one hole by not sealing the whole edge. In contrast, the approach according to the present invention is to manufacture the pasta envelope of a web-like material. As can be seen from the figures the present envelope material enables the manufacture of a pasta envelope with a lot of holes, and thus provides better rehydration than through the single hole provided by Cuperus. Consequently, the present invention provides a superior approach to that of Cuperus.

With regard to claims 9-12, according to the Office Action, Burwell, et al., fails to disclose the process for preparing a pasta product in a network or mesh-like structure by extrusion.; However, Mercer, et al., teach a composite food product prepared by extruding an edible material through die orifices so as to produce a tube whose wall is composed of a net having mesh strands and intersections which are integrally formed (page 1, lines 19-21).; The net can be formed by feeding edible material through die orifices defined between a pair of die members of which at least one is rotatable or oscillatable relative to the other to produce a tube net.; By applicant's own prior art admission that networks may be suitably prepared by techniques known in the art of textile processing, plastic processing and also food processing (see page 4 of specification, lines 28-32).; It would be obvious to one of ordinary skill in the art to modify the teachings of Burwell, et al., with Mercer, et al. in order to prepare a filled net-like pasta product using extrusion. Applicants respectfully traverse. It would not be obvious to modify the teachings of Burwell, et al., with Mercer, et al. in order to prepare a filled net-like pasta product using extrusion, because the two references are not combinable, since Mercer et al. has nothing to do with pasta (i.e. nothing to do with pasta that comprised hard wheat flour and hard wheat semolina.

**CONCLUSION**

Reconsideration of the rejection is respectfully requested in view of the above claim amendments and remarks. It is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance, Applicant's undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,



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